



DATE: July 2, 2002

SESA ISSUANCE NO.: 02-28

SUBJECT: Prevailing Wage Determination for Agricultural Wage Surveys
(ETA-232 Report) Conducted in 2001 in Massachusetts.

1. **Purpose.** To announce approved prevailing wage rates for agricultural job orders subject to the Agricultural Recruitment System (Clearance System) during calendar year 2001. These approved prevailing wage rates apply only to the State of Massachusetts.
2. **References.** ETA Handbook Numbers 385 and 398, and 20 CFR 653.500 - 503 Subpart F.
3. **Background.** SESA submitted ETA-232 prevailing wage survey reports covering agricultural wages. These surveys are required in order to comply with the regulations governing agricultural clearance orders at 20 CFR 653, Subpart F. Those reports and documents have been reviewed, and prevailing wage rate findings have been determined.
4. **Action Required.** State should distribute the attached wage rate findings, and related information, to staff involved in handling agricultural activities.
5. **Inquiries.** Direct inquiries to Val Castaneda at 617).565.2265.

Joseph F. Stoltz
Regional Director
For Workforce Security

Attachment

Attachment:

Approved Prevailing Wages

The following wages have been confirmed by the National Office of the United States Department of Labor and are in effect as of the dates indicated on cover page of this issuance.

Massachusetts

Wage Reporting Area: 01-25-00 STATEWIDE:

Farm Worker Vegetable	\$8.00 PER HOUR
Farmworker, Tobacco	\$8.17 PER HOUR
Farmworker, Apple	\$8.17 PER HOUR
Farmworker, Nursery	\$7.75 PER HOUR
Farmworker, Greenhouse	\$8.00 PER HOUR

WAGES

These wages are in effect until other prevailing wage surveys are confirmed or, as applicable, superseded by the last publication of an Adverse Effect Wage Rate (AEWR).

The above rates, or the appropriate AEWR, should be applied when evaluating all agricultural job orders scheduled for 2002/3. Any clearance orders already accepted at a lower wage must be modified to reflect these wages or the appropriate AEWR.

H-2A job orders: Employers will pay the State or Federal minimum wage, prevailing wage, or the AEWR, whichever is highest.

Non H-2A (only) job orders: Employers will pay the State or Federal minimum, or the prevailing wage, whichever is highest.

(Piece Rate)

H-2A job orders: if the piece rate basis(at the end of each pay period) does not result in average hourly rate earnings, at least equal to the amount the worker would have earned with the highest hourly rate, the worker's pay should be supplemented, so that the earnings are as much as the worker would have earned with the highest hourly wage.

Non H-2A (only) job orders: If the employer pays on a piece rate basis, the piece rate will be at least the prevailing rate for such activity in the area of intended employment.

(No Finding Determination)

H-2A job orders with a "NO FINDING" determination: if the employer pays a piece rate for the activity, or per hour, earnings must not be less than the hourly AEWR rate of pay.

Non H-2A (only) job orders with a NO FINDING@ determination: If the employer pays a piece rate for the activity, or per hour, the Fair Labor Standard Act (FLSA) minimum wage is the guaranteed minimum rate of pay.

HOUSING

Additionally, employers with H-2A job orders must also offer housing and, if a prevailing working condition, board at no cost to the worker in accordance with "ETA handbook 398" and the 20 CFR 655 H-2A regulations.

Regarding non H-2A (only) job orders, employers should offer free housing and/or board if they are prevailing working conditions, in accordance with the 20 CFR 653 MSFW (Migrant and Seasonal Farmworker) regulations.